

REMARKS

Applicant thanks the Examiner for acknowledging that claims 9-11, 13-17 and 20-21 contain allowable subject matter. Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 3-8, 12 and 18-19 are requested to be cancelled. Claims 2, 9-11, 13-16 and 20-21 are currently amended.

This amendment changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 3-8, 12 and 18-19 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,856,416 (“Danknick”). In response, without agreeing or acquiescing to the rejection, Applicant cancels claims 1, 3-8, 12 and 18-19.

Claim Rejections under 35 U.S.C. § 103(a)

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Danknick as applied to claim 1, and in further view of U.S. Patent No. 6,771,386 (“Kato”).

Applicant respectfully submits that the rejection should be withdrawn at least because Kato cannot preclude patentability of the claimed invention pursuant to 35 U.S.C. § 103(c). Kato qualifies as prior art under 35 U.S.C. § 102(e). Pursuant to 35 U.S.C. § 103(c), Kato cannot preclude patentability because at the time the invention was made (i.e., the priority date of March 12, 2001) both the present application and Kato were owned by the same person or subject to an obligation of assignment to the same person (i.e., Toshiba Tec Kabushiki Kaisha).

Thus, reconsideration and withdrawal of the rejection under U.S.C. § 103(a) is respectfully requested. In this amendment and reply, Applicant amends claim 2 to include all the limitations of claim 1. Accordingly, in light of the reasons set forth above, Applicant respectfully requests that the rejection be withdrawn and claim 2 as amended be allowed.

Allowable Subject Matter

In the Office Action, the Examiner acknowledged that claims 9-11, 13-17 and 20-21 contained allowable subject matter. Applicant now rewrites allowable claim 9 in independent form and amends claim 9 to include all the limitations of claim 1. Claims 10 and 11 are amended to depend from amended claim 9. Thus, Applicant respectfully requests that the rejection be withdrawn and claims 9-11 be allowed.

In addition, Applicant rewrites allowable claim 13 in independent form and amends claim 13 to include all the limitations of claims 1 and 12. Claims 14-16 are amended to depend from amended claim 13. Original claim 17 now depends from amended claim 15. Accordingly, Applicant respectfully requests that the rejection be withdrawn and claims 13-17 be allowed.

Finally, Applicant rewrites allowable claim 20 in independent form and amends claim 20 to include all the limitations of claim 18. Claim 21 is amended to depend from amended claim 20. Therefore, Applicant respectfully requests that the rejection be withdrawn and claims 20 and 21 as amended be allowed.

Conclusion

After amending the claims as set forth above, claims 2, 9-11, 13-17 and 20-21 are now pending in this application. Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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